

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

<p>Applicant's or agent's file reference see form PCT/ISA/220</p>		<p>FOR FURTHER ACTION See paragraph 2 below</p>	
<p>International application No. PCT/JP2005/006526</p>	<p>International filing date (day/month/year) 28.03.2005</p>	<p>Priority date (day/month/year) 30.03.2004</p>	
<p>International Patent Classification (IPC) or both national classification and IPC B29C65/02, B29B13/02, B31B19/84, A61J1/10</p>			
<p>Applicant SHOWA DENKO PLASTIC PRODUCTS CO., LTD.</p>			

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

<p>Name and mailing address of the ISA:</p> <p> European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465</p>	<p>Authorized Officer</p> <p>Carré, J</p> <p>Telephone No. +49 89 2399-7143</p>
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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/JP2005/006526

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-4,6-12
	No: Claims	5
Inventive step (IS)	Yes: Claims	1-4,6-12
	No: Claims	5
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)
and / or
2. Non-written disclosures (Rules 43bis.1 and 70.9)

see form 210

Re Item V.

1. Reference is made to the following documents:

D1 PATENT ABSTRACTS OF JAPAN vol. 1995, no. 04, 31 May 1995 (1995-05-31)
-& JP 07 016956 A (OTSUKA PHARMACEUT FACTORY INC), 20 January 1995
(1995-01-20) cited in the application

D2: WO 2004/039562 A (SHOWA DENKO PLASTIC PRODUCTS CO., LTD; MIZUO,
TAKAYUKI; NAKAGAWA, TERU) 13 May 2004 (2004-05-13)

2. PRODUCT CLAIM 5 - NOVELTY

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 5 is not new in the sense of Article 33(2) PCT.

The product claimed in independent claim 5 is only characterised by the process by which it is obtained. The applicant's attention is drawn to the fact that a product can only be considered as new and inventive when it is characterised by new and inventive features. A product is not to be considered new and inventive only because it is obtained by a new and inventive process (see the Guidelines, PCT/GL/ISPE/1, A5.26[1]).

Independent claim 5 does not contain any feature allowing to distinguish this product from the product disclosed by document D1.

3. METHOD CLAIMS 1-4

3.1. Document D1, which is considered to represent the most relevant state of the art, discloses (the references in parentheses applying to this document):

a method for producing a bag with a mouth member (1) by melt-bonding a tubular mouth member (1) comprising a thermoplastic resin and a bag unit comprising a flexible film (2), said method comprising preheating (cf. figure 2), the tubular mouth member (1), inserting the heated mouth member (1) into an opening part of the bag unit and pressing and

thereby melt-bonding the mouth member (1) to the opening part of the bag unit.

From this, the subject-matter of independent claim 1 differs in that:

the preheating of the tubular mouth member is performed while rotating it around the cylinder axis thereof (further referred to as special technical feature or STF).

The subject-matter of claim 1 is therefore novel (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as securing a uniform surface temperature of the mouth member in the preheating step.

The available prior art neither discloses nor render obvious a method including the above-mentioned STF.

Therefore, the solution to the above-mentioned problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT).

3.2. Claims 2-4 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

4. APPARATUS CLAIMS 6-12

4.1. The same arguments specified with respect to independent method claim 1 also hold for independent apparatus claims 6 and 7.

The subject-matters of claims 6 and 7 are therefore novel (Article 33(2) PCT) and considered as involving an inventive step (Article 33(3) PCT).

4.2. Claims 8-12 are dependent on claim 7 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Re Item VI.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/JP2005/006526

1. The attention is drawn to document D2, published on 13 May 2004, claiming the priority dates of 29 October 2002 and 20 June 2003, which describes the subject-matter of claims 1,2,3,4,5,6,7,9 (cf. page 12, lines 18-21).

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